IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.(M) No.847 of 2007

***Decided on:* December 13, 2007.**

Anoop Kumar ***…Petitioner.***

VERSUS

State of Himachal Pradesh ***….Respondent.***

Coram

The Hon'ble Mr.Justice Kuldip Singh, Judge.

Whether approved for reporting?[1] No

For the Petitioner: **Mr.P.P.Chauhan, Advocate.**

For the respondent: **Mr.M.L.Chauhan, Addl.A.G.**

Kuldip Singh, Judge (Oral)

This is an application under Section 439 Cr.P.C. for releasing the petitioner on bail in F.I.R. No.150/2007, registered at Police Station, Baddi, District Solan on 17.9.2007 under Sections 395, 458, 380, 342, 411 I.P.C.

2. The petitioner in the application has submitted that the police have arrested him on 12.11.2007 in F.I.R. No.150/2007 subsequent to registration of F.I.R. No.169/2007 on 28/29.10.2007. The petitioner has been falsely implicated in F.I.R. No.150/2007. The petitioner has earlier filed bail application in F.I.R. No.150/2007 which has been rejected by learned Additional Sessions Judge, Solan on 26.11.2007. He has already been released on bail in F.I.R. No.169/2007. It has been submitted that the petitioner belongs to a respectable family of the area, the investigation in the case is

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Whether the reporters of the local papers may be allowed to see the judgment? Yes

complete and no purpose will be served by keeping the petitioner in judicial custody.

3. Heard and perused the record. The learned counsel for the petitioner has submitted that the petitioner belongs to a respectable family. He has been falsely implicated in the case. The police have implicated the petitioner not only in F.I.R. No.150/2007 but in F.I.R. No.153/2007 and F.I.R.No.169/2007 all registered at Police Station, Baddi. The petitioner has already been granted bail in F.I.R. No.169/2007. According to the learned counsel for the petitioner, the investigation in the case is almost complete and no purpose will be served by keeping the petitioner in judicial custody. He has prayed for granting bail to the petitioner.

4. The learned Additional Advocate General has filed the status report and opposed the bail application. He has submitted that the petitioner is a member of an organized gang and is involved in series of dacoities in Baddi area. He has submitted that the petitioner and others committed dacoity in the premises of Ashu International Factory, Nandpur, Baddi. They took away about 10 quintals of aluminium roll valuing about Rs.6.44 lacs and sold to the scrap dealer Dharam Pal at Chandigarh, out of which 3.30 quintals of material has been recovered and rest of the material is yet to be recovered. The police has arrested 13 persons. Dharam Pal scrap dealer has been released on bail, other accused are in custody. The police is searching for remaining accused involved in the dacoity. The petitioner is involved in F.I.R. No.153/2007 and F.I.R. No.169/2007, both registered at Police Station Baddi. The other accused Vikrant

has named the petitioner and others for committing the dacoity in the premises of Ashu International Factory, Nandpur, Baddi. The petitioner is involved in serious offence along with other accused persons and all of them have committed several dacoities in the area. The accusing finger is against the petitioner in F.I.R. No.169/2007 and F.I.R. 153/2007 also. The investigation in the case has not been completed. Looking into the facts and circumstances of the case, the petitioner is not entitled to bail at this stage. The possibility cannot be ruled out in case the petitioner is released on bail, then he will influence the witnesses connected with the case. The petitioner appears to be a member of gang active in Baddi area for committing dacoities. The allegations against the petitioner and co-accused are serious. Accordingly, the application is dismissed.

5. The observations made in the order shall not be construed as expression of opinion on the merits of the case.

December 13, 2007 ***(Kuldip Singh), J.***

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